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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,553	04/01/2004	Jeffrey George Orr	013118	7141

7590 01/11/2006

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EXAMINER

RADI, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/815,553	<b>Applicant(s)</b> ORR, JEFFREY GEORGE	
	<b>Examiner</b> John A. Radi	<b>Art Unit</b> 3641	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/10/04, 12/13/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: line 3 of claim 1 reads "a first attachment piece formed on the paintball..." when it should probably read "formed on the paintball marker." In the interest of expediency, the examiner will continue to examine claim 1 and all dependent claims as such. Appropriate correction is required.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ball-and-detent as mentioned in claim 15 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 12-14, and 16-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bofill (US 5927261).

Bofill teaches an attachment for securing an air tank or cannister to a paintball marker, the attachment comprising: a first attachment piece (20) formed on the paintball marker, the first attachment piece having a body portion (30) by means which secured to the paintball marker and a fastening portion (25); and a second attachment piece (40) having a body portion by means of which it is secured to the air tank (figure 1) and a fastening portion, the fastening portion of the second attachment piece being configured to releasably engage (abstract, references to "adjustable" see also figures 4-6) with the fastening portion the first attachment piece to secure the air tank to the paintball marker.

With respect to claim 2 wherein the first attachment piece is configured so as to be attachable to the frame of the paintball marker, part 20 attaches via bolts 26, figure 7.

With respect to claim 3, wherein the attachment is to the underside frame of a paintball marker, Bofill teaches that the mount can be installed in a variety of positions as suits the user, and that the most convenient position would be a low profile orientation relative to the main axis of the paint gun (col. 2, lines 14-16).

With respect to claim 4, wherein the attachment piece is a discrete component, see part 20.

With respect to claim 5, wherein the first attachment (30) piece is integral (24) with the body of the paintball marker. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326.

With respect to claims 6-9 and 17, wherein the fastening portion comprises at least one rail slidably engaged via a dovetail connection, see figures 4-6 in reference to the article 22.

With respect to claim 10, wherein the second attachment piece is a discrete component, see item 34.

With respect to claim 11, wherein the second piece (40) is integral with the tank. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326.

With respect to claim 12, the second attachment piece is located on a neck portion of the air tank, see figure 7, article 40.

With respect to claim 13 and 14, regarding the tightening member on the first attachment piece, see attachment screws 46.

With respect to claim 16, regarding a plurality of screws to attach to the paintball marker, see figure 4, the multiple of articles 26.

With respect to claims 18-20, regarding a projecting member from which the second attachment piece connects at a distance, see figure 7, article 30 which forms an elongated channel onto which the second (40) attachment piece is releasably secured.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15, and 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bofill (US 5927261) further in view of Goff et al (US4573394). Bofill teaches the invention as described above with respect to claim 1, but doesn't teach the following features:

With respect to claim 15, regarding the attachment means comprising a ball-and-detent between the first and second pieces. Bofill doesn't teach the use of a ball-and-detent system for securing the pieces however Goff teaches the use of a ball-and-detent combination (figure 2, 43) to lock a sliding member to a rail. Goff provides the motivation for such a ball-and-detent securing system to provide an easily releasable securing mechanism (Col. 2, line 40). Therefore, it would have been obvious to one skilled in the art at the time of invention to use a ball-and-detent securing mechanism as taught by Goff with the air tank attachment system as taught by Bofill.

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With respect to claims 22-27, Boffil teaches the claimed invention as described above with respect to claims 1-4, 6-10, 12-14, and 16-21 but doesn't explicitly show or claim a paintball marker. However, the invention of Boffil is drawn to a bracket that's intended use is disclosed as being to attach a gas cartridge to a paint pellet gun. Therefore it would have been obvious to one skilled in the art at the time of invention that the mounting bracket as taught by Boffil is intended to be used on a pellet gun, and therefore would read on the combination claim 22-27.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached form PTO-892 for a complete listing of relevant patents.

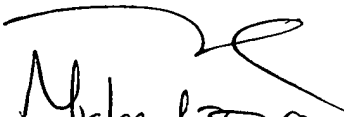
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Radi whose telephone number is 571-272-5883. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John A. Radi  
Patent Examiner  
Art Unit 3641

  
Michael F. Carone  
SPE 3641